THE HON'BLE SRI BILAL NAZKI,
THE ACTING CHIEF JUSTICE
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WAMP.No.1472 of 2007 in/and
WRIT APPEAL No.1008 of 2007

Dated: 22-11-2007

Between:

1.Government of Andhra Pradesh,
rep. by its secretary,
Irrigation & CAD Department,
Secretariat, Hyderabad and another.

....Petitioners/
Appellants

AND

1.Sannapareddy Venkataiah
and 70 others.

.....RESPONDENTS

THE HON'BLE SRI BILAL NAZKI,
THE ACTING CHIEF JUSTICE
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WAMP.No.1472 of 2007 in/and
WRIT APPEAL No.1008 of 2007

Dated: 22-11-2007

Common Judgment: **(Per Hon'ble Sri Bilal Nazki, The Acting Chief Justice)**

WAMP.No.1472 of 2007

This is an application seeking condonation of delay of 393 days in filing the Writ Appeal.

After hearing the learned Counsel for the parties, the application is allowed, and with their consent, the Writ Appeal is taken up for final disposal.

W.A.No.1008 of 2007

This Writ Appeal has been filed by the appellants-petitioners aggrieved by an order dated 13-07-2006 passed by a learned single Judge of this Court in W.P.No.6472 of 2001.

The writ petitioners-respondents herein, 71 in number, have filed Writ Petition No.6472 of 2001 before this Court stating that their lands were acquired by the respondents-appellants and awards were passed on 10-08-1982. Some of the claimants sought reference under Section 18 of the Land Acquisition Act (for short 'the Act'), which were numbered as LAOP.Nos.346 and 350 of 1984 and the compensation was enhanced by the learned II Additional District Judge, Kadapa, vide common order dated 30-07-1986. The writ petitioners-respondents' claim that in terms of Section 28-A of the Act, they should be given the benefit of the enhanced award as their lands and the lands covered by the common order dated 30-07-1986 in LAOP.Nos.346 and 350 of 1984 are covered by the very same notification dated 05-01-1978. The learned single Judge allowed the Writ Petition on 13-07-2006 holding that the writ petitioners-respondents are entitled to the enhanced compensation under Section 28-A of the Act on par with the claimants in LAOP.Nos.346 and 350 of 2004. Aggrieved thereby,

the respondents-appellants filed the present appeal.

The case of the appellants-authorities as projected by the learned Advocate General is that the application under Section 28-A of the Act was not at all made by the respondents-claimants, but, during the hearing, the learned Advocate General agreed that since the respondents-claimants are all small land holders, the State Government will have no objection to pay them the enhanced compensation and also the solatium. He further stated that since according to the appellants-authorities, no applications under Section 28-A of the Act were made, the appellants-authorities should not be burdened with interest.

The learned Counsel appearing for the respondents-claimants has accepted this suggestion. Accordingly, the parties agree that an amount, equivalent to the enhanced amount as awarded in LAOP.Nos.346 and 350 of 1984, along with solatium shall be given to the respondents-claimants. The appellants-authorities shall prepare the cheques and handover them to the II Additional District Judge, Kadapa, within a period of four weeks from today. The II Additional District Judge, Kadapa, is directed to identify and distribute the amounts among the respondents-claimants or their legal representatives immediately thereafter. We make it clear that we have not gone into the merits of the case and the questions of law raised by the learned Advocate-General against the impugned order dated 13-07-2006 passed by the learned single Judge in W.P.No.6472 of 2001 remain still open.

The Writ Appeal is, accordingly, disposed of. No costs.

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(Bilal Nazki, A.C.J)

Dated 22nd November, 2007

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(Ramesh Ranganathan, J)

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